

## **Remarks/Arguments**

### **Summary of Office Action**

In the Office Action, the Examiner maintains the rejections of claims 10-11 and 14 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Similarly, claims 13 and 14 remain rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

Claims 13 and 15 stand rejected under 35 U.S.C. § 102(b) for allegedly being anticipated by U.S. Patent No. 6,188,319 to Frucht.

Claims 10 and 11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Frucht* in view of U.S. Patent No. 5,831,724 to Cordes. Claim 14 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Frucht* in view of U.S. Patent No. 6,137,569 to Sasaki. Finally, claim 12 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Frucht* in view of U.S. Patent No. 4,681,433 to Aeschlimann.

### **Summary of the Applicants' Response**

Claims 10-15 are currently pending. Claims 10 and 15 have been amended for clarity. Support for the amendments can be found throughout the specification and no new matter has been added. Amendments to the claims are being made solely to expedite prosecution and do not constitute an acquiescence to any of the Examiner's rejections. Applicants' silence with regard to the Examiner's rejections of the dependent claims constitutes a recognition by the Applicants that the rejections are moot based on the Applicants' Amendment and Remarks

relative to the independent claim from which the dependent claims depend. Applicants reserve the option to further prosecute the same or similar claims in the present or a subsequent Application.

**35 U.S.C. § 102 Rejections**

Independent claim 15 has stand rejected under 35 U.S.C. § 102(b) for allegedly being anticipated by U.S. Patent No. 6,188,319 to Frucht.

In order to show that claim 15 is anticipated, the Examiner must show that “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131; *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). “Under the principles of inherency, if the prior art necessarily functions in accordance with, or includes, the claimed limitations, it anticipates.” *Mehl/Biophile Int’l Corp. v. Milgraum*, 192 F.3d 1362 (Fed. Cir. 1999). Importantly, “[t]he mere fact that a certain thing may result from a given set of circumstances is insufficient to prove anticipation.” *Electro Med. Sys., S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048 (Fed. Cir. 1994).

Applicant submits that the elements of claim 15, as amended, are not anticipated by the prior art cited. Consequently, Applicant respectfully submits that independent claim 15 and dependent claims 10-14 are allowable.

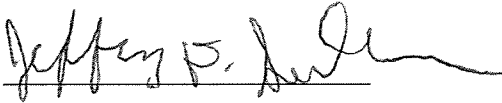
**Conclusion**

In view of the foregoing, the application is now believed to be in condition for formal allowance. Prompt and favorable action is respectfully requested.

Respectfully submitted,

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